

**ASSEMBLY BILL**

**No. 464**

**Introduced by Assembly Member Daucher**

February 15, 2005

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An act to amend Sections 4780, 4782, 4784, and 4785 of the Probate Code, relating to health care directives.

LEGISLATIVE COUNSEL'S DIGEST

AB 464, as introduced, Daucher. Health Care Directives: natural death.

Existing law authorizes an adult with capacity to give individual health care instructions. Existing law further provides that a health care provider who honors a request to forgo resuscitative measures is not subject to criminal prosecution, civil liability, and other disciplinary proceedings if the health care provider believes that the action or decision is consistent with specified criteria.

This bill would additionally specify that a health care provider who honors an “allow natural death” order, as defined, is not subject to criminal prosecution, civil liability, or other disciplinary proceedings, as specified. The bill would also define the term “allow natural death” for purposes of those provisions, would allow a health care provider to make a presumption about the validity of a request for natural death, and would make other related changes.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 4780 of the Probate Code is amended to  
2     read:

1     4780. (a) As used in this part:

2     (1) *“Allow natural death” means a written document signed*  
3 *by both: (A) a terminally ill individual or a legally recognized*  
4 *surrogate health care decisionmaker, and (B) a physician who*  
5 *certifies the patient as terminally ill. An “allow natural death”*  
6 *order directs health care providers and emergency medical*  
7 *services personnel not to administer chest compressions, rescue*  
8 *breathing, electric shocks, or medications, or all of these, given*  
9 *to restart the heart if the person’s breathing or heart stops, and*  
10 *directs that the person is to receive comfort measures to alleviate*  
11 *distressing physical symptoms and address psychological, social,*  
12 *emotional, and spiritual needs associated with the disease*  
13 *process towards a more comfortable existence that does not*  
14 *prolong the dying process or aggressively sustain a quality of life*  
15 *that would be unacceptable to the patient.*

16     (2) “Request to forgo resuscitative measures” means a written  
17 document, signed by (A) an individual, or a legally recognized  
18 surrogate health care decisionmaker, and (B) a physician, that  
19 directs a health care provider to forgo resuscitative measures for  
20 the individual.

21     ~~(2)~~

22     (3) “Request to forgo resuscitative measures” includes a  
23 prehospital “do not resuscitate” form as developed by the  
24 Emergency Medical Services Authority or other substantially  
25 similar form.

26     (b) A request to forgo resuscitative measures may also be  
27 evidenced by a medallion engraved with the words “do not  
28 resuscitate” or the letters “DNR,” a patient identification number,  
29 and a 24-hour toll-free telephone number, issued by a person  
30 pursuant to an agreement with the Emergency Medical Services  
31 Authority.

32     SEC. 2. Section 4782 of the Probate Code is amended to read:

33     4782. A health care provider who honors a request to forgo  
34 resuscitative measures *or allow natural death* is not subject to  
35 criminal prosecution, civil liability, discipline for unprofessional  
36 conduct, administrative sanction, or any other sanction, as a  
37 result of his or her reliance on the request, if the health care  
38 provider (a) believes in good faith that the action or decision is  
39 consistent with this part, and (b) has no knowledge that the action  
40 or decision would be inconsistent with a health care decision that

1 the individual signing the request would have made on his or her  
2 own behalf under like circumstances.

3 SEC. 3. Section 4784 of the Probate Code is amended to read:  
4 4784. In the absence of knowledge to the contrary, a health  
5 care provider may presume that a request to forgo resuscitative  
6 measures *or to allow natural death* is valid and unrevoked.

7 SEC. 4. Section 4785 of the Probate Code is amended to read:  
8 4785. This part applies regardless of whether the individual  
9 executing a request to forgo resuscitative measures *or to allow*  
10 *natural death* is within or outside a hospital or other health care  
11 institution.